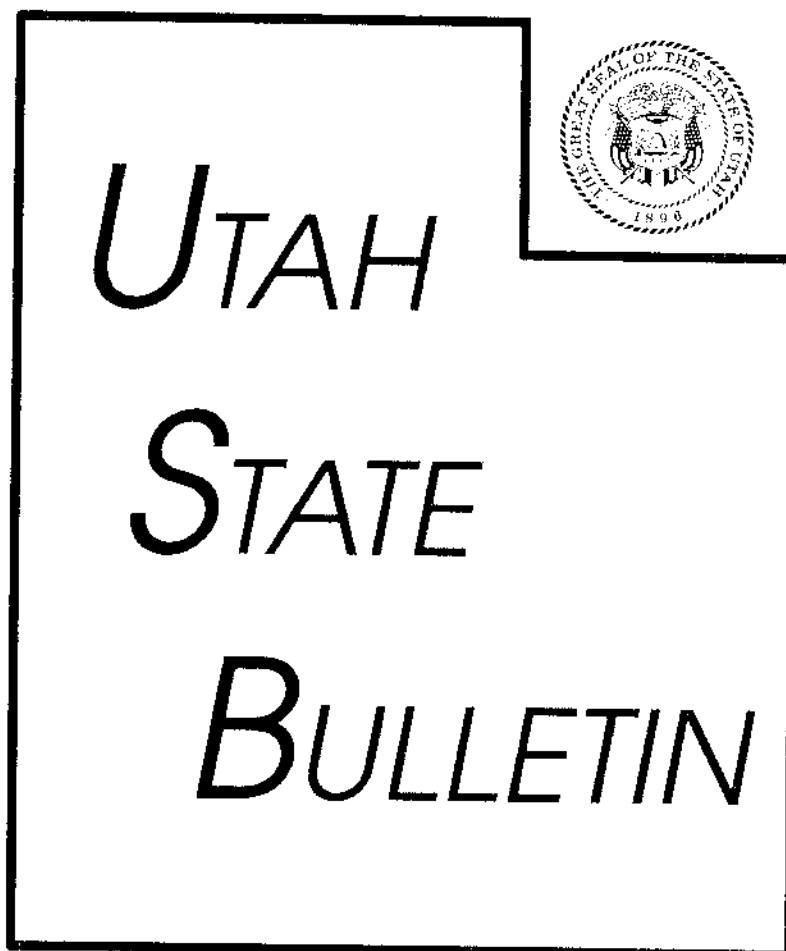


Number 95-20

October 15, 1995



*Prepared by  
Division of Administrative Rules  
Department of Administrative Services*

two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.

(3) Qualified professional continuing education under this section shall:

(a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a environmental health scientist;

(b) be relevant to the licensee's professional practice;

(c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;

(d) be prepared and presented by individuals who are qualified by education, training, and experience; and

(e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.

(4) Unlimited hours of credit shall be recognized for professional continuing education as a student or presenter completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, labs, or specific environmental conferences approved, taught or sponsored by:

(a) Utah Environmental Health Association;

(b) Bureau of Environmental Services;

(c) Utah Department of Environmental Quality;

(d) Bureau of Epidemiology;

(e) State Food Program;

(f) National Environmental Health Association;

(g) Food and Drug Administration;

(h) Center for Disease Control and Prevention;

(i) any local, state or federal health agency; and

(j) a college or university which provides courses in or related to environmental health science.

(5) A licensee is responsible for maintaining competent records of completed qualified professional continuing education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified continuing professional education to demonstrate it meets the requirements under this section.

(6) A licensee who documents they are engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

#### **R156-20a-502. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) failing to comply with the professional continuing education requirements in Section R156-20a-304; and

(2) failing to provide general supervision as defined in Subsection 58-20a-102(2).

**KEY: licensing, environmental health scientist\*, sanitarian\* 1995**

**58-1-106(1)**

**58-1-202(1)**

**58-20a-101**

## **Commerce, Occupational and Professional Licensing R156-37**

### **Controlled Substances Rules of the Division of Occupational and Professional Licensing**

#### **NOTICE OF PROPOSED RULE OR CHANGE**

(Amendment)

DAR FILE NO.: 17283

FILED: 09/26/95, 14:52

RECEIVED BY: NL

#### **RULE ANALYSIS**

PURPOSE OF OR REASON FOR THIS FILING: After Division review, changes needed to be made regarding the prescribing of controlled substances for weight control and to make the rule conform with our model rule format.

SUMMARY: Title of rule was revised; new numbering through the rule; section titles were revised for clarity; moved definition section to a new section number; revised authority-purpose section; changes made in wording of application requirements section; created a separate section regarding site inspections and examinations. The wording regarding site inspections and examinations is currently in the rule. We created new sections out of the existing wording. The wording in R156-37-401 was moved to the unprofessional conduct section, R156-37-502. In R156-37-401, added that grounds for disciplinary action or refusing a license would be in accordance with Section 58-1-401. Created a new section out of existing language regarding the prescribing of controlled substances for weight reduction or control. Added conditions that a prescribing practitioner must meet before prescribing, dispensing, or administering a Schedule III or IV controlled substance for purposes of weight reduction. Deleted the restriction on prescribing Schedule IV controlled substances for weight control purposes by eliminating the maximum 12 week use period.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING: Subsection 58-37-6(1)

OTHER STATE OR FEDERAL CROSS-REFERENCES: Subsection 58-1-106(1)

## ANTICIPATED COST OR SAVINGS TO:

♦THE STATE BUDGET: None.

♦LOCAL GOVERNMENTS: None.

♦INDIVIDUALS: None.

COMPLIANCE COSTS FOR AFFECTED PERSONS: None.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING  
REGULAR BUSINESS HOURS, AT:

Commerce

Occupational and Professional Licensing

Heber M. Wells Building, 4th Floor

160 East 300 South

PO Box 45805

Salt Lake City, UT 84145-0805, or

at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS FILING TO:

David E. Robinson at the above address, by phone at (801)  
530-6620, or by FAX at (801) 530-6511.INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING  
BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO  
LATER THAN 5:00 P.M. ON 11/14/95; OR ATTENDING A PUBLIC  
HEARING SCHEDULED FOR 10/26/95, 10:00 a.m., 160 East 300  
South, Room 457, Salt Lake City, UT.

THIS FILING MAY BECOME EFFECTIVE ON: 11/14/95

AUTHORIZED BY: David E. Robinson

**R156. Commerce, Occupational and Professional Licensing.  
R156-37. Controlled Substance[s] Act Rules of the Division of  
Occupational and Professional Licensing.****R156-37-101. Title.**These rules ~~shall be~~are known as the "Controlled Substance  
Act Rules of the Division of Occupational and Professional  
Licensing."**R156-37-102. Definitions.**In addition to the definitions in Title 58, Chapters 1 and 37,  
as used in Title 58, Chapters 1 and 37, or these rules:(1) "DEA" means the Drug Enforcement Administration of  
the United States Department of Justice.(2) "Schedule II controlled stimulant" means any material,  
compound, mixture or preparation listed in Subsection 58-37-  
4(2)(b)(iii).**R156-37-[2]103. Purpose - Authority.**(1) ~~The Executive Director of the Department of Commerce  
has delegated to the Division of Occupational and Professional  
Licensing all of the Department's duties, responsibilities and  
authority as provided in Chapter 37, Title 58.~~(2) ~~These rules are promulgated in accordance with the  
provisions of Chapters 1 and 37, Title 58.~~**R156-37-3. Purpose.**~~The purpose of these rules is to regulate controlled substances  
to prevent their harmful use. Nothing in these rules is intended to  
impose any limitations on a physician or other licensed practitioner  
to administer or dispense controlled substances in accordance with  
generally accepted medical practice in this state, to maintain or  
detoxify a person as an incidental adjunct to medical or surgical  
treatment of conditions other than addiction, or to administer or  
prescribe narcotic drugs to persons with intractable pain in which  
no other course of treatment or care is possible or none has been  
found after reasonable efforts.] These rules are adopted by the  
division under the authority of Subsection 58-1-106(1) to enable  
the division to administer Title 58, Chapter 37.~~**[R156-37-4. Definitions:**~~(1) All definitions set forth in Chapters 1, 17 and 37, Title  
58 shall apply to these rules.~~~~(2) The following additional definitions shall apply to these  
rules:~~~~(a) "DEA" means the Drug Enforcement Administration of  
the United States Department of Justice;~~~~(b) "Schedule II Controlled Stimulant" means any material,  
compound, mixture, or preparation listed in Subsection 58-37-4  
(2)(b)(iii).]~~**R156-37-104. Organization - Relationship to Rule R156-1.**The organization of this rule and its relationship to Rule  
R156-1 is as described in Section R156-1-107.**R156-37-[5]301. Licens[ing]e Classifications - Restrictions.**(1) Consistent with the provisions of law, the division may  
issue a controlled substance license to manufacture, produce,  
distribute, dispense, prescribe, obtain, administer, analyze, or  
conduct research with controlled substances in Schedules I, II, III,  
IV, ~~and~~or V to qualified persons. Licenses shall be issued to  
qualified persons in the following categories:

- (a) pharmacist;
- (b) optometrist;
- (c) podiatrist;
- (d) dentist;
- (e) osteopathic physician;
- (f) physician and surgeon;
- (g) physician assistant;
- (h) veterinarian;
- (i) nurse practitioner;
- (j) naturopath;
- (k) certified registered nurse anesthetist;
- (l) pharmaceutical researcher;
- (m) drug outlets located in the state of Utah licensed as a:
  - (i) retail pharmacy;
  - (ii) hospital pharmacy;
  - (iii) institutional pharmacy;
  - (iv) pharmaceutical manufacturer;
  - (v) pharmaceutical wholesaler/distributor;
  - (vi) branch pharmacy;
  - (vii) nuclear pharmacy; or

(viii) veterinary pharmaceutical outlet;  
 (n) pharmaceutical dog trainer;  
 (o) pharmaceutical teaching organization;  
 (p) analytical laboratory;  
 (q) state or local agency performing animal euthanasia; and  
 (r) Utah Department of Corrections for the conduct of execution by the administration of lethal injection under its statutory authority and in accordance with its policies and procedures.

(2) A license may be restricted to the extent determined by the division, in collaboration with appropriate licensing boards, that a restriction is necessary to protect the public health, safety or welfare, or the welfare of the licensee. A person receiving a restricted license shall manufacture, produce, obtain, distribute, dispense, prescribe, administer, analyze, or conduct research with controlled substances only to the extent of the terms and conditions under which the restricted license is issued by the division.

~~[(3) The division shall not issue a controlled substance license to any person who has not met the requirements for licensure.]~~

**R156-37-[6]302. Qualifications for Licensure - Application [for License]Requirements.**

(1) An applicant for a controlled substance license shall;

(a) submit an application form in content as approved and furnished by the division[-]; and

(b) shall pay the required fee as established by the division under the provisions of S[ubs]ection 63-38-3.2[-(2)].

~~[(2) Any person seeking a controlled substance license based upon their qualification listed under R156-37-5 shall be currently licensed by the state in the appropriate professional license classification and shall maintain that license classification as current at all times while holding a controlled substance license issued by the state.]The division and the reviewing board may request from the applicant information which is reasonable and necessary to permit an evaluation of the applicant's:~~

~~(a) qualifications to engage in practice with controlled substances; and~~

~~(b) the public interest in the issuance of a controlled substance license to the applicant.~~

~~[(3) Upon receiving an application for a controlled substance license from a qualified person, the division may issue the license or may assign the application to a qualified and appropriate licensing board for review and recommendation to the division with respect to issuance of a license.]To determine if an applicant is qualified for licensure, the division may assign the application to a qualified and appropriate licensing board for review and recommendation to the division with respect to issuance of a license.~~

~~[(4) The division or the reviewing board may request from the applicant all information which is reasonable and necessary to permit an evaluation of the applicant's qualifications and the public interest in the issuance of a controlled substance license to the applicant.]~~

**R156-37-303. Qualifications for Licensure - Site Inspections - Investigations.**

The division shall have the right to conduct site inspections, review research protocol, conduct interviews with persons

knowledgeable about the applicant, and conduct any other investigation which is reasonable and necessary to determine the ~~applicant is of good moral character and qualified~~[~~ability of the applicant~~] to receive a controlled substance license.

**R156-37-304. Qualifications for Licensure - Examinations.**

~~[(5) The division may require an]Each applicant for a controlled substance license shall be required to pass an examination administered at the direction of the division on the subject of controlled substance laws.~~

**R156-37-[7]305. [Waiver of License]Exemption from Licensure - Animal Euthanasia and Law Enforcement Personnel.**

(1) Individuals employed by an agency of the State or any of its political subdivision, who are specifically authorized in writing by the state agency or the political subdivision to possess specified controlled substances in specified reasonable and necessary quantities for the purpose of euthanasia upon animals, shall be exempt from having a controlled substance license if the agency or jurisdiction employing that individual has obtained a controlled substance license, a DEA registration number, and uses the controlled substances according to a written protocol in performing animal euthanasia.

(2) Law enforcement agencies and their sworn personnel are exempt from the licensing requirements of the Controlled Substance Act to the extent their official duties require them to possess controlled substances; they act within the scope of their enforcement responsibilities; they maintain accurate records of controlled substances which come into their possession; and they maintain an effective audit trail. Nothing herein shall authorize law enforcement personnel to purchase or possess controlled substances for administration to animals unless [such]the purchase or possession is in accordance with a duly issued controlled substance license.

**R156-37-[9]401. Grounds for [Revocation or]Denial of License - Disciplinary Proceedings.**

~~[In addition to the acts and practices enumerated in Subsection 58-37-6(4)(a) of the Controlled Substances Act, the division may deny issuance of a license or may revoke, suspend, restrict, or place on probation a controlled substance license if the applicant or licensee:~~

~~— (1) has prescribed to himself or administered to himself without prescription issued by another licensed practitioner any Schedule II or III controlled substances;~~

~~— (2) has violated any federal or state law relating to controlled substances;~~

~~— (3) prescribed or administered a controlled substance for a condition he is not licensed to treat or is not competent to treat;~~

~~— (4) fails to deliver to the division the license certificate upon an action which revokes, suspends or limits the license;~~

~~— (5) fails to maintain controls over controlled substances which would be considered by a prudent practitioner to be effective against diversion, theft or shortage of controlled substances;~~

~~— (6) is unable to account for shortages of controlled substances in his inventory;~~

~~(7) violates restrictions upon controlled substances, prescriptions and administration as contained in these rules; and/or~~  
~~(8) knowingly prescribes, sells, gives away, or administers, directly or indirectly, or offers to prescribe, sell, furnish, give away, or administer any controlled substance to a drug dependent person, as defined in Subsection 58-37-2(14), except for legitimate medical purposes as permitted by law.]~~  
Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

#### **R156-37-502. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) a licensee with authority to prescribe or administer controlled substances:

(a) prescribing or administering to himself any Schedule II or III controlled substance which is not lawfully prescribed by another licensed practitioner having authority to prescribe the drug;

(b) prescribing or administering a controlled substance for a condition he is not licensed or competent to treat;

(2) violating any federal or state law relating to controlled substances;

(3) failing to deliver to the division all controlled substance license certificates issued by the division to the division upon an action which revokes, suspends or limits the license;

(4) failing to maintain controls over controlled substances which would be considered by a prudent practitioner to be effective against diversion, theft, or shortage of controlled substances;

(5) being unable to account for shortages of controlled substances any controlled substance inventory for which the licensee has responsibility;

(6) knowingly prescribing, selling, giving away, or administering, directly or indirectly, or offering to prescribe, sell, furnish, give away, or administer any controlled substance to a drug dependent person, as defined in Subsection 58-37-2(14), except for legitimate medical purposes as permitted by law; and

(7) refusing to make available for inspection controlled substance stock, inventory, and records as required under these rules or other law regulating controlled substances and controlled substance records.

#### **R156-37-[8]601. Access to Records, Facilities and Inventory.**

Applicants for licensure and all licensees shall make available for inspection to any person authorized to conduct an administrative inspection pursuant to Title 58, Chapter 37, these rules or federal law, to the extent they exist, during regular business hours and at other reasonable times in the event of an emergency, their controlled substance stock or inventory, records required under the Utah Controlled Substances Act and these rules or under the Federal controlled substance laws, and facilities related to activities involving controlled substances.

#### **R156-37-[14]602. Records.**

(1) Records of purchase, distribution, dispensing, prescribing, and administration of controlled substances shall be kept according to state and federal law. Prescribing practitioners shall keep accurate records reflecting the examination, evaluation and treatment of all patients. Patient medical records shall accurately reflect the prescription or administration of controlled substances in the treatment of the patient, the purpose for which the controlled substance is utilized and information upon which the diagnosis is based. Practitioners shall keep records apart from patient records of each controlled substance purchased, and with respect to each controlled substance, its disposition, whether by administration or any other means, date of disposition, to whom given and the quantity given.

(2) Any licensee who experiences any shortage or theft of controlled substances shall immediately file the appropriate forms with the Drug Enforcement Administration, with a copy to the division directed to the attention of the Investigation Bureau. He shall also report the incident to the local law enforcement agency.

(3) All records required by federal and state laws or rules must be maintained by the licensee for a period of five years. If a licensee should sell or transfer ownership of his files in anyway, those files shall be maintained separately from other records of the new owner.

(4) Prescription records may be maintained electronically so long as:

(a) the original of each prescription, including telephone prescriptions, is maintained in a physical file and contains all of the information required by federal and state law; and

(b) there is a physical printout of the controlled substances dispensed each day that details the prescription number, the quantity of each drug dispensed, the prescribing practitioner and the dispensing pharmacist. Each pharmacist that is documented on the printout as having dispensed a controlled substance shall sign his name to the printout, attesting to the accuracy of the data detailed, or shall make appropriate changes and then sign his name.

(5) All records relating to Schedule II controlled substances received, purchased, administered or dispensed by the practitioner shall be maintained separately from all other records of the pharmacy or practice.

(6) All records relating to Schedules III, IV and V controlled substances received, purchased, administered or dispensed by the practitioner shall be maintained separately from all other records of the pharmacy or practice.

#### **R156-37-[11]603. Restrictions Upon the Prescription, Dispensing and Administration of Controlled Substances.**

(1) A practitioner may prescribe or administer the Schedule II controlled substance cocaine hydrochloride only as a topical anesthetic for mucous membranes in surgical situations in which it is properly indicated and as local anesthetic for the repair of facial and pediatric lacerations when the controlled substance is mixed and dispensed by a registered pharmacist in the proper formulation and dosage.

(2) A practitioner shall not prescribe or administer a controlled substance without taking into account the drug's potential for abuse, the possibility the drug may lead to dependence, the possibility the patient will obtain the drug for a nontherapeutic use or to distribute to others, and the possibility of an illicit market for the drug.

(3) When writing a prescription for a controlled substance, each prescription shall contain only one controlled substance per prescription form and no other legend drug or prescription item shall be included on that form.

(4) A prescription for a Schedule II controlled substance shall not be written for a quantity greater than medically necessary and in no case in quantities greater than a 30[-] day supply.

(5) If a practitioner fails to document his intentions relative to refills of controlled substances in Schedules III through V on a prescription form, it shall mean no refills are authorized. No refill is permitted on a prescription for a Schedule II controlled substance.

(6) Refills of controlled substance prescriptions shall be permitted for the period from the original date of the prescription as follows:

TABLE	
Schedules III and IV	Six <del>(+6)</del> months from the original date of the prescription.
Schedule V	One <del>(+1)</del> year from the original date of the prescription.

(7) No refill may be dispensed until such time has passed since the date of the last dispensing that 80% of the medication in the previous dispensing should have been consumed if taken according to the prescriber's instruction.

(8) No prescription for a controlled substance shall be issued or dispensed without specific instructions from the prescriber on how and when the drug is to be used.

(9) Refills after expiration of the original prescription term requires the issuance of a new prescription by the prescribing practitioner.

(10) Each prescription for a controlled substance and the number of refills authorized shall be documented in the patient records by the prescribing practitioner.

(11) ~~[A practitioner shall not prescribe, dispense or administer a Schedule II controlled stimulant for purposes of weight reduction or control.]~~

~~(12)~~ A practitioner shall not prescribe or administer a Schedule II controlled stimulant for any purpose except:

(a) the treatment of narcolepsy as confirmed by neurological evaluation;

(b) the treatment of abnormal behavioral syndrome, ~~[attention deficit disorder, hyperkinetic syndrome]~~, ~~[and]~~ or related disorders;

(c) the treatment of drug-induced brain dysfunction;

(d) the differential diagnostic psychiatric evaluation of depression;

(e) the treatment of depression shown to be refractory to other therapeutic modalities, including pharmacologic approaches, such as tricyclic antidepressants or MAO inhibitors;

(f) in the terminal stages of disease, as adjunctive therapy in the treatment of chronic severe pain or chronic severe pain accompanied by depression;

(g) the clinical investigation of the effects of ~~[such]~~ the drugs, in which case the practitioner shall submit to the division a written investigative protocol for its review and approval before the investigation has begun. The investigation shall be conducted in strict compliance with the investigative protocol, and the practitioner shall, within ~~[sixty]~~ 60 days following the conclusion of the investigation, submit to the division a written report detailing the findings and conclusions of the investigation; or

(h) in treatment of depression associated with medical illness after due consideration of other therapeutic modalities.

(13) A practitioner may prescribe, dispense or administer a Schedule II controlled stimulant when properly indicated for any purpose listed in ~~[paragraph (12) of this rule]~~ Subsection (11), provided that all of the following conditions are met:

(a) before initiating treatment utilizing a Schedule II controlled stimulant, the practitioner obtains an appropriate history and physical examination, and rules out the existence of any recognized contraindications to the use of the controlled substance to be utilized;

(b) the practitioner shall not prescribe, dispense or administer any Schedule II controlled stimulant when he knows or has reason to believe that a recognized contraindication to its use exists;

(c) the practitioner shall not prescribe, dispense or administer any Schedule II controlled stimulant in the treatment of a patient who he knows or should know is pregnant; and

(d) the practitioner shall not initiate or shall discontinue prescribing, dispensing or administering all Schedule II controlled stimulants immediately upon ascertaining or having reason to believe that the patient has consumed or disposed of any controlled stimulant other than in compliance with the treating practitioner's directions.

#### **R156-37-604. Prescribing of Controlled Substances for Weight Reduction or Control.**

~~(1) A practitioner shall not prescribe, dispense or administer a Schedule II controlled stimulant for purposes of weight reduction or control.~~

~~(14)~~ A prescribing practitioner may prescribe, dispense or administer a Schedule III or IV controlled substance for purposes of weight reduction in the treatment of obesity only as an adjunct ~~[in accordance with the F.D.A. approved labeling for the product:]~~ in a ~~[medically supervised]~~ program of weight reduction supervised by a physician and surgeon or osteopathic physician based on caloric restriction, and supplemental weight loss activities including changing lifestyle counseling, and regular exercise, in accordance with ~~[provided that]~~ all of the following conditions ~~[are met]~~:

(a) before initiating treatment utilizing a Schedule III or IV controlled substance, the prescribing practitioner determines through review of his own records of prior treatment, or through review of the records of prior treatment which another treating prescribing practitioner or weight ~~[loss]~~ program has provided to the prescribing practitioner, that the patient has made a substantial

good-faith effort to lose weight in a treatment program utilizing a regimen of weight reduction based on caloric restriction, nutritional counseling, behavior modification, and exercise, without the utilization of controlled substances, and that ~~[said]~~ the treatment has been ineffective;

(b) before initiating treatment utilizing a Schedule III or IV controlled substance, the prescribing practitioner obtains a thorough history, performs a thorough physical examination of the patient, and rules out the existence of any recognized contraindications to the use of the controlled substance to be utilized;

(c) the practitioner makes a finding, and documents that finding in the patient's medical record, that the health benefit to the patient which may result from weight loss resulting from the use of Schedule III and IV controlled substances greatly outweighs the risks associated with the patient's use of Schedule III and IV controlled substances for weight loss;

(d) the prescribing practitioner shall establish a target weight to be reached by the patient using controlled substances for the purpose of weight loss. This target weight shall be recorded in the practitioner's medical record regarding that patient;

(e) the patient signs an informed consent which includes clear documentation that the long term effects of using controlled substances for weight loss or maintenance are not known;

(f) the practitioner shall not prescribe, dispense or administer any Schedule III or IV controlled substance when he knows or has reason to believe that a recognized contraindication to its use exists;

(g) the practitioner shall not prescribe, dispense or administer Schedule III ~~or IV~~ controlled substances for weight reduction for a period longer than ~~[twelve]~~ 12 weeks in any one[-] year period. The one year period shall begin counting the first day of the drug therapy as indicated on the prescriber instructions for use.

(h) the practitioner shall not prescribe, dispense or administer any Schedule III or IV controlled substance in the treatment of a patient who he knows or should know is pregnant; ~~and~~

(i) the practitioner shall not initiate or shall discontinue prescribing, dispensing or administering all Schedule III or IV controlled substances for weight reduction immediately upon ascertaining or having reason to believe:

(i) that the patient who has not yet reached the target weight established in accordance with Subsection (d), has failed to lose weight while under treatment with a controlled substance or controlled substances over a period of 28 days, which determination shall be made by a scheduled weighing of the patient at least every fourteenth day, except that a patient who has never before received treatment for obesity utilizing any controlled substance who fails to lose weight during his first ~~[such]~~ treatment attempt may be treated with a different controlled substance for an additional ~~[fourteen]~~ 14 days;

(ii) that the patient has developed tolerance, ~~[a]~~ decreasing contribution of the drug toward further weight loss, ~~[a]~~ to the anorectic effects of the controlled substance being utilized;

(iii) that the patient is abusing the controlled substance being prescribed for weight loss, or has a history of or shows a

propensity for drug abuse or ~~[shows a propensity for]~~ alcohol abuse; or

(iv) that the patient has consumed or disposed of any controlled substance other than in compliance with the prescribing practitioner's directions;

(j) a practitioner shall establish a written record and plan for weight maintenance by administering or prescribing of Schedule IV controlled substances, and medically supervising a patient who has achieved the target weight established under Subsection (d). The plan and evidence of medical supervision shall be included in the practitioner's medical record regarding that patient.

#### **R156-37-[42]605. Emergency Verbal Prescription of Schedule II Controlled Substances.**

(1) Prescribing practitioners may give a verbal prescription for a Schedule II controlled substance if:

(a) the quantity dispensed is only sufficient to cover the patient for the emergency period, not to exceed 72 hours;

(b) the prescribing practitioner has examined the patient within the past 30 days, the patient is under the continuing care of the prescribing practitioner for a chronic disease or ailment, or the prescribing practitioner is covering for another practitioner and has knowledge of the patient's condition; and

(c) a written prescription is delivered to the pharmacist within three working days of the verbal order.

(2) A pharmacist may fill an emergency verbal or telephonic prescription from a prescribing practitioner for a Schedule II controlled substance if:

(a) the amount does not exceed a 72 hour supply; and

(b) the filling pharmacist reasonably believes that the prescribing practitioner is licensed to prescribe the controlled substances or makes a reasonable effort to determine that he is licensed.

#### **R156-37-[43]606. Disposal of Controlled Substances.**

(1) Any disposal of controlled substances by licensees shall:

(a) be consistent with the provisions of 1307.21 of the Code of Federal Regulations; or

(b) require the authorization of the division after submission to the division ~~to the attention of~~ ~~(Attention:)~~ Chief Investigator of a detailed listing of the controlled substances and the quantity of each. Disposal shall be conducted in the presence of one of its investigators or a division authorized agent as is specifically instructed by the division in its written authorization.

(2) Records of disposal of controlled substances shall be maintained and made available on request to the division or its agents for inspection for a period of five years.

#### **R156-37-[14]607. Surrender of Suspended or Revoked License.**

(1) Licenses which have been restricted, suspended or revoked shall be surrendered to the division within 30 days of the effective date of the order of restriction, suspension or revocation. Compliance with this section will be a consideration in evaluating applications for relicensing.

#### **R156-37-[15]608. Herbal Products.**

The division shall not apply the provisions of the Controlled Substance Act or these rules in restricting citizens or practitioners,

regardless of their license status, from the sale or use of food or herbal products that are not scheduled as controlled substances by State or Federal law.

**KEY:** controlled substances, licensing  
[1994]1995

58-1-106(1)  
58-37-6(1)

## Commerce, Occupational and Professional Licensing **R156-55b** Electricians Licensing Rules

**NOTICE OF PROPOSED RULE OR CHANGE**  
(Amendment)  
DAR FILE NO.: 17292  
FILED: 10/02/95, 10:17  
RECEIVED BY: NL

### RULE ANALYSIS

**PURPOSE OF OR REASON FOR THIS FILING:** To recognize equivalent qualifications in other states for licensure as a journeyman electrician.

**SUMMARY:** Moved application requirements for out-of-state applicants to a newly created section, R156-55b-302e. Made minor wording changes in examination requirements section. Added recognition of other states licensing requirements in R156-55b-302e.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS FILING:** Subsection 58-55-308(1)  
**OTHER STATE OR FEDERAL CROSS-REFERENCES:** Subsections 58-1-106(1) and 58-1-202(1)

**ANTICIPATED COST OR SAVINGS TO:**

- ◆THE STATE BUDGET: None.
- ◆LOCAL GOVERNMENTS: None.
- ◆INDIVIDUALS: Some savings to applicants applying for licensure as a master electrician in that they may not need to take the practical examination if they can document they have previously taken the Utah practical examination or they have completed 6,000 hours of work experience as a licensed journeyman or licensed master electrician.
- COMPLIANCE COSTS FOR AFFECTED PERSONS:** Some savings to applicants applying for licensure as a master electrician in that they may not need to take the practical examination if they can document they have previously taken the Utah practical examination or they have completed 6,000 hours of

work experience as a licensed journeyman or licensed master electrician.

THE FULL TEXT OF THIS FILING MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce  
Occupational and Professional Licensing  
Heber M. Wells Building, 4th Floor  
160 East 300 South  
PO Box 45805  
Salt Lake City, UT 84145-0805, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS FILING TO:  
Jud Weiler at the above address, by phone at (801) 530-6731, or by FAX at (801) 530-6511.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS FILING BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 11/14/95; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 10/19/95, 9:30 a.m., 160 East 300 South, Room 4A, Salt Lake City, UT 84111.

THIS FILING MAY BECOME EFFECTIVE ON: 11/14/95

AUTHORIZED BY: David E. Robinson

**R156. Commerce, Occupational and Professional Licensing.  
R156-55b. Electricians Licensing Rules.  
R156-55b-302a. Qualifications for Licensure - Application Requirements.**

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the application requirements for licensure in Section 58-55-302 are defined, clarified, or established as follows:

- (1) Apprentice electricians.
  - (a) All applicants for licensure as an apprentice electrician shall submit an application prescribed by the division and the date upon which the applicant is approved for licensure by the division shall be the beginning date of the apprenticeship or training period.
  - (b) Applicants who have commenced an electrical apprentice in another state may request the division and the board to give them credit for that portion of the apprenticeship or traineeship completed in the other state upon a finding by the division and the board that the program in the other state is equal to the apprenticeship or traineeship program required in the State of Utah.
  - (c) The burden for demonstrating equivalency of the out-of-state apprenticeship or traineeship program lies with the applicant. Equivalency may be demonstrated by documentation of the curriculum and training which is required as a part of the program of the other state.

(2) Master electrician.

- (a) All applicants for licensure as a master electrician shall submit an application prescribed by the division on which is clearly demonstrated the following: